

1 ADAM PAUL LAXALT
Attorney General
2 BENJAMIN R. JOHNSON, Bar No. 10632
Deputy Attorney General
3 State of Nevada
Bureau of Litigation
4 Public Safety Division
100 N. Carson Street
5 Carson City, NV 89701-4717
Tel: (775) 684-1254
6 E-mail: bjohnson@ag.nv.gov

7 *Attorneys for Defendants*
Romeo Aranas, Isidro Baca
8 *and David Mar*

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA
11

12 BARRY C. ROWE,

13 Plaintiff,

14 vs.

15 ROMEO ARANAS, et al.,

16 Defendants.

Case No. 3:16-cv-00535-MMD-VPC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO FILE REPLY
IN SUPPORT OF MOTION FOR SUMMARY
JUDGMENT**

17 Defendants, Romeo Aranas, Isidro Baca and David Mar, by and through counsel, Adam Paul
18 Laxalt, Attorney General of the State of Nevada, and Benjamin R. Johnson, Deputy Attorney General,
19 hereby move for an enlargement of time to file a reply in support of Defendants' Motion for Summary
20 Judgment.

21 This Motion is based on the following Memorandum of Points and Authorities and the papers
22 and pleadings on file herein.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. LAW AND ARGUMENT**

25 On June 21, 2017, Plaintiff's Civil Rights Complaint was screened and filed. (ECF No. 5 and 6).
26 On September 25, 2017, Plaintiff filed a Notice of Filing of Supplemental Ground and Claim. (ECF No.
27 12). This appeared to be an attempt to amend the Complaint. On December 14, 2017, the Court held a
28 hearing on Plaintiff's motion and denied the request to amend. (ECF No. 24). The Court set the deadline

1 for filing a responsive pleading for January 8, 2018. (ECF No. 24). On January 16, 2018, Defendants filed
2 their Motion for Summary Judgment. (ECF No. 27). On March 19, 2018, Plaintiff filed his Answer and
3 Opposition to Defendants' Request for Summary Judgment. (ECF No. 35).

4 Counsel for Defendants has been engaged in heavy discovery in at least three other cases including
5 several rounds of supplementation and disclosure. Due to the time commitment needed for responding to
6 discovery, Defendants have been unable to finalize a reply brief in support of their motion for summary
7 judgment. Therefore, a small extension of time is necessary to complete the reply.

8 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

9 When an act may or must be done within a specified time, the court may,
10 for good cause, extend the time: (A) with or without motion or notice if
11 the court acts, or if a request is made, before the original time or its
12 extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

13 The proper procedure, when additional time for any purpose is needed, is to present a request
14 for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31
15 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
16 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
17 F.R.D. 268 (N.D. Ohio 1947).

18 Defendants seek an enlargement of time to respond to the opposition to summary judgment.
19 Good cause exists to extend the time to file this motion. Plaintiff will not be prejudiced by a small
20 enlargement of time to respond to the opposition. This request is made in good faith and is not for the
21 purposes of delay. Defendants request an extension of seven days to file and serve a Reply to
22 Defendants' Motion for Summary Judgment.

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1 **II. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request their motion for enlargement of time is
3 granted and the deadline for filing a reply in support of summary judgment be extended seven days up
4 to and including April 2, 2018.

5 DATED this 26th day of March, 2018.

6 ADAM PAUL LAXALT
7 Attorney General

8 By: Benjamin R. Johnson
9 BENJAMIN R. JOHNSON
10 Deputy Attorney General
11 State of Nevada
12 Bureau of Litigation
13 Public Safety Division

Attorneys for Defendant

14 **IT IS SO ORDERED:**

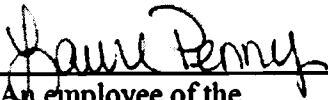
15 Robert P. Foster
16 U.S. MAGISTRATE JUDGE

17 DATED: March 29, 2018
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 26th day of March, 2018, I caused to be deposited for mailing a true and correct copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO FILE REPLY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT**, to the following:

Barry C. Rowe #51915
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070


An employee of the
Office of the Attorney General